

FOREST LEGACY

UPDATE

April 2002

Forest Legacy critical to largest conservation easement in Montana

Montana Fish, Wildlife & Parks, Plum Creek Timberlands, L.P., the Rocky Mountain Elk Foundation and The Trust for Public Land collaborated to place in public ownership the largest permanent conservation easement on 140,480 acres of timberland in two river valleys of northwest Montana. The Thompson-Fisher Corridor comprises valuable river valleys and low elevation forests providing critical fish and wildlife habitat, and recreational opportunities while preserving traditional forest uses. The project has historic significance in that it protects the entire remaining route that David Thompson, an early northwest explorer, utilized from 1807-1812 while

traveling and exploring. It shows how the Forest Legacy Program encourages partnerships promoting forestland conservation. Thus far, the easement has been secured on 66,255 acres at a cost of \$14.3 million. In addition to \$4.8 million from the Forest Legacy Program, the project has received funding from the U.S. Fish and Wildlife Service Habitat Conservation Program, Montana's Habitat Montana Program, Avista Corporation and Plum Creek Timber Company. Montana hopes to complete the remaining 74,000 acres next year with help from the Forest Legacy Program in fiscal year 2002. "This is one of the most significant achievements for long-term habitat

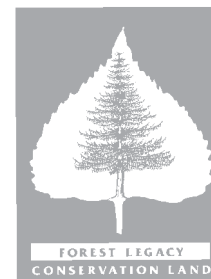
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First Forest Legacy closing in Indiana

On November 6, 2001 the State of Indiana closed on the 298-acre Little Richland Creek project. The Keisler family is leaving Hoosiers a legacy in forest as their land will forever remain forested as part of Indiana's Forest Legacy Program. "The Division of Forestry is proud to help Mr. Keisler fulfill a long time dream of permanently protecting this forest," said Dan Ernst, Assistant State Forester and Indiana Forest Legacy Program coordinator. The Keislers formally transferred ownership of the land via a conservation easement to the

Indiana Department of Natural Resources. This is the first tract of land purchased through the Indiana Forest Legacy Program. The family donated 25 percent of the land's \$110,000 appraised value. The Keisler's forest consists of high-quality hardwoods, planted white pine and a variety of karst features. The family has actively managed the tract for over 35 years, most recently under a cooperative agreement with Pike Lumber Company who first suggested the land for inclusion in the Forest Legacy

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*Protecting Important
Forests from Conversion
to Nonforest Use*



Coastal Forest Ecosystem Initiative: the first 7,000 acres

On March 18, 2002 the South Carolina Department of Natural Resource in partnership with the South Carolina Forestry Commission, acquired 1,366 acres in fee title to be included in the state's Wildlife Management Area program. MeadWestvaco signed a conservation easement to protect an additional 5,732 acres bring the total closing acreage to 7,098 acres. The Conservation Fund assisted in the transaction and there will be as many as four access points for camping along the Edisto River, America's longest, free-flowing blackwater river. This Forest Legacy transaction protects nearly 20 miles of waters feeding the ACE Basin, long recognized for its global biodiversity, located just 25 miles from Charleston. Congressman Jim Clyburn said in a statement, "Thanks to this effective public-private partnership, we're working together to safeguard one of South Carolina's treasures. Future generations will thank us and enjoy the many opportunities for outdoor recreation along this wonderful, scenic river corridor." In a statement, Senator Fritz Hollings said, "Protecting our state's natural resources contributes directly to the superior quality of life we enjoy in South Carolina. These forests along the Edisto River not only increase the opportunities we have for outdoor recreation, but also help safeguard the water quality of the river and our downstream wetlands. I'm proud to have been part of the process and congratulate the partnership." "Our company has a rich history in the South Carolina Lowcountry and the ACE Basin," said Mark Watkins, MeadWestvaco's senior vice president for forestry and technology. "We are proud to partner in this voluntary arrangement that will not only protect but also promote traditional land uses - fishing, farming, hunting and forestry - along the Edisto River." Through the Forest Legacy



Program the state bought the property and the conservation easement for \$5.6 million. Lawrence A. Selzer, president of The Conservation Fund, said, "Thanks to Senator Hollings' leadership, the support of members of the Congressional delegation, and particularly Congressman Jim Clyburn, and MeadWestvaco's commitment, we are celebrating this great, new addition to South Carolina's system of parks, refuges and wildlife lands. Working with our partners at MeadWestvaco and the Department of Natural Resources, the Fund helped find the common ground that made this protection project possible. Here in South Carolina and at special places across the nation, we use our experience with corporations and public agencies to find innovative, workable conservation solutions."



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protection and public use," said Jim Cross of Flathead Wildlife, Inc. The project enjoys broad political support. "This project is in the best interest for the fish and wildlife while assuring public access and timber based jobs," said Governor Judy Martz. Senator Conrad Burns supports the project because preserves Montana's scenic beauty and wildlife habitat, and it assures jobs in the local timber economy over the long-term.



Southern Forest Resource Assessment concludes that conservation easements need to be part of fragmentation strategy

Excerpt from SFRA (www.srs.fed.us/sustain)

Conservation easements have been publicized as a means of keeping land in its current use. Restrictions on development can preserve the current use feature, but new uses of open space can result. Also, a scattered or checkerboard pattern of protection may be a concern from a land-use control perspective. To be most effective in protecting open space and avoiding fragmentation, conservation easements must be used in conjunction with other mechanisms that identify broader areas for protection.

Allowing public access for amenity uses of private forestland is an example of new land uses created by conservation easements. This change in the amenity potential of forestland can alter its utility for current owners and its value and appeal for future buyers. Private amenity enjoyment of the property is limited to activities reserved by the original grantor, with many potential

uses compatible with open space foregone. The perpetual nature of most conservation easements dictates the need for careful design to achieve acceptable agreements. In easements on forestland being managed for timber values, landowners must be careful to reserve rights essential to timber management. In addition to the right to harvest forest products, some provisions that may be necessary for southern forestland are rights to: build temporary or permanent logging roads and trails, reforest with trees (including the use of improved genetic growing stock), restrict public access (if any) during harvesting periods and immediately after reforestation, and use appropriate silvicultural techniques such as prescribed fire, herbicides, and fertilization. Landowners making an informed decision to ban timber management activities should reserve the right to cut and remove timber damaged by natural disasters.

Forest conservation company to buy Weyerhaeuser land

Evergreen Forest Trust and Weyerhaeuser Company announced they have agreed on terms of a purchase and sale agreement concerning approximately 100,000 acres of forestland in the foothills of eastern King and Snohomish counties in Washington State. Evergreen Forest Trust is pioneering a new forestland ownership and management concept. Created by regional business, political and environmental leaders, the Trust defines itself as a non-profit forest conservation company. It will continue to harvest timber from the land, but it will also preserve sensitive areas near rivers and steep banks. The Trust's overarching goal is to keep forestland near growing, urbanizing areas from being converted to other uses.

The Trust plans to finance the \$185-million transaction by selling Community Forestry Bonds™. This innovative financing approach needs a clarification of federal tax law to permit issuance of tax-exempt revenue bonds. The transaction, which is contingent on the Trust successfully obtaining financing, is expected to close by mid-summer. A conservation easement held by the Cascade Land Conservancy, which helped negotiate the transaction, will preserve the most sensitive areas and provide additional environmental protections for the entire parcel.



Other Forest Legacy closings

Maryland

The 297-acre Green Cathedral property in Maryland was protected by a conservation easement on September 25, 2001. Adjacent to a smaller parcel that was protected several years ago by the Severn River Land Trust, these two parcels plus another tract with the same owners form a 500-acre block of mature hardwood within 5 miles of Annapolis, the State capital. The Oscar Sahlin estate agreed to a conservation easement in the face of persistent

development pressure. The Forest Legacy payment was \$650,000, while other sources made up the difference of a conservation easement valued at \$1,700,000. "We are so happy that this project closed," said Julie Enger from the Trust for Public Land, who worked on the project.

Rhode Island

"I'm tickled to death," exclaimed Steve Thomas, landowner of the Cork Brook tract. A conservation easement deal was closed for \$218,000 between Mr. Thomas and the State of Rhode Island on September 17, 2001 for Mr. Thomas's 44-acre tract in North Scituate. Protecting this property from conversion to non-forest uses helps clean water draining into the Scituate Reservoir, which provides 60% of the drinking water for the entire State. Support from Providence Water was exhibited by their payment for the Stewardship Plan.

Utah

The Utah Forest Legacy closed on 839 acres in Carbon County on October 26, 2001. The conservation easement was valued at \$217, 425.

Indiana cont'd

Program. The land, located five miles from Bloomington and three miles from Bloomington Municipal Airport, is under increasing development pressure from the surrounding community and has been enrolled in the Classified Forest Program for several years. Under the Legacy agreement, The Keislers will continue active management activities on the property including managing for the protected resource, integrity of wildlife, soil conservation, air and water quality, timber and aesthetic values. In addition to this purchase, the Indiana Forest Legacy Program has accepted three property donations totaling 430 acres.



USDA Forest Service
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The Forest Legacy Program was established in the 1990 Farm Bill. State and Federal partners implement the program together. Information sharing occurs in many ways including this periodic update. If you would like to receive a copy, please send a request to Forest Legacy, USDA Forest Service, 1720 Peachtree Road NW, Atlanta, GA 30309.

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